

City Council Agenda

Council President
Clinton J. Olivier

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Lee Brand

Sal Quintero
Larry Westerlund
Blong Xiong – Acting President

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

March 1, 2012

8:30 A.M. ROLL CALL

Invocation by Yolanda Marquez of the United Christian Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Add-on: Proclamation of "FRESNO FOOD EXPO DAY" – Mayor Office – **Read and presented**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of [February 16, 2012](#)

Action Taken: **Approved**

Councilmember Reports and Comments

Action Taken: **Reports made**

Approve Agenda

Action Taken: **Approved**

Adopt Consent Calendar

Action Taken: **Adopted**

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. [Approve a Cost Sharing Agreement in the amount of \\$17,876.82 with the County of Fresno for the installation of a left turn lane at the intersection of North Avenue and Maple Avenue \(*Property located in District 5*\) - Public Works Department](#)

Action Taken: **Approved**

- B. [Authorize Director of Aviation to execute Amendment No. 1 to a land lease and agreement between Sandhu Brothers and the City of Fresno \(*Property located in District 4*\) \(3147 N. Clovis Avenue\) – Airports Department](#)

Action Taken: **Authorized**

- C. [Authorize the Transportation Director or designee to execute documents to apply for and accept grant funds from the San Joaquin Valley Air Pollution Control District \(SJVAPCD\) Remove II Grant Program for \\$15,000 for alternative fuel vehicle mechanic training – Transportation Department](#)

Action Taken: **Authorized**

- D. [Approve a consultant agreement in the amount of \\$183,133 with Carollo Engineers, Inc., a Delaware Corporation of Walnut Creek, California, for professional engineering services to design replacement disinfection system at the North Fresno Wastewater Reclamation Facility \(*Property located in District 6*\) – Department of Public Utilities](#)

Action Taken: **Approved**

- E. [Approve an agreement with Saito Associates Landscape Architects in the amount of \\$70,670, with a contingency amount of \\$10,000 \(total amount will be \\$80,670\), for the study of the downtown planting and irrigation system and the preparation of construction plans and general contract documents for the downtown planting and irrigation project and to authorize the Public Works Director or his designee to execute the agreement on behalf of the City \(*Property located in District 3*\) – Public Works Department](#)

Action Taken: **Approved**

- F. [Approve an amendment to an agreement with West Yost Associates in the amount of \\$48,400 for additional scope of services to complete the design of plans and general construction contract documents for the water main replacements project in the Howard Heights Area, which is bounded by Fountain Way, Maple Avenue, University Avenue, and Cedar Avenue and authorize the Public Works Director or his designee to execute the amendment on behalf of the City \(*Property located in Districts 4 & 7*\) – Public Works Department](#)

Action Taken: **Approved**

1. **CONSENT CALENDAR CONTINUED**

- G. Receive annual update of priority ranking lists for new traffic signal installations, traffic signal left turn phasing and intersection traffic flow improvements – Public Works Department
Action Taken: Received
- H. Approve a fourth amendment to the consultant services agreement with Lawrence, Nye, Andersen Associates in the amount of \$7,200 to modify the construction documents for the energy management system upgrade for City Hall (**Property located in District 3**) – Public Works Department
Action Taken: Approved
- I. **RESOLUTION** - Approving the Final Map of Tract No. 5951 located on the north side of W. Herndon Avenue between N. Warren and N. West Avenues accepting the dedicated public uses offered therein (**Property located in Council District 2**) - Development and Resource Management Department
Action Taken: Resolution No. 2012-28 adopted

CONTESTED CONSENT CALENDAR

8:45 A.M. **GENERAL ADMINISTRATION**

- A. Presentation of the Charter Review Committee report – City Manager's Office
Action Taken: 55 items to be divided by four (4) and considered at 4 upcoming meetings

9:00 A.M. **CITY COUNCIL**

A. **COUNCIL COMMUNICATIONS & ASSIGNMENTS**

1. Council of Governments (COG) Swearingin, Ex-Officio/Alternate-Borgeas
Finance and Audit Committee Borgeas, Brand, Xiong
Fresno Area Workforce Investment Corporation Baines
Fresno County Transportation Authority (FCTA) Swearingin, Borgeas
Fresno Regional Workforce Investment Board Baines
Fresno County Zoo Authority Swearingin, Alternate – Baines
Fresno Madera Agency on Aging Board Olivier
Joint Powers Financing Authority Olivier
Leadership Council on Ending Homelessness Swearingin, Baines
Public Safety Joint Powers Authority Swearingin, Olivier
San Joaquin River Conservancy Board Swearingin, Alternate – Westerlund
The Association for the Beautification of Highway 99 Baines
Upper Kings Basin Integrated Regional Water Management Joint Powers Authority Borgeas
Pension Reform Task Force Borgeas, Xiong, Brand
Economic Development Corporation Serving Fresno County Ex-Officio – Borgeas
Fresno City & County Convention & Visitors Bureau (FCVB) Swearingin, Vacant
League of California Cities (Annual Meeting) Swearingin, Alternate – Xiong
San Joaquin Valley Air Pollution Control District (SJVAPCD) Baines
Action Taken: Oral reports made
2. Council Appointments, Reappointments, Removals To/From City and Non-City Boards and Commissions
Action Taken: No action taken

B. **Establish Streetlight Funding Act – Councilmember Brand**

1. * **RESOLUTION** - Establishing a policy entitled "Streetlight Funding Act" to identify funding sources, policy priority and implementation of a proactive Citywide streetlight theft deterrent concrete encasement program
Action Taken: Resolution No. 2012-29 adopted, as amended
2. * **RESOLUTION** – 55th amendment to the Annual Appropriation Resolution (AAR) No. 2011-133 appropriating \$232,800 for streetlight maintenance (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2012-30 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 10:15 A.M.** **HEARING** to consider designation of the Pullman Shed located at the (former) Southern Pacific Railroad Station 1713 Tulare Street to the Local Register of Historic Resources (*Property located in District 3*) – Development and Resource Management Department
Action Taken: Held and continued to March 8, 2012 at 10:30 a.m. (for further review by Councilmember Westerlund)
- a. * **RESOLUTION** – Consider designation of the Pullman Shed located at the (former) Southern Pacific Railroad Station 1713 Tulare Street to the Local Register of historic Resources
- 2:00 P.M.** **CONTINUED HEARING** to consider the formation of a Special Tax District (Community Facilities District No. 16) for the maintenance of certain public improvements associated with the Universally Accessible Park (*Property located in District 1*) – Public Works Department (*Continue to March 8, 2012 @ 10:30 a.m.*)
Action Taken: Continued as noted

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE OR INTERVENE IN LITIGATION** - Government Code Section 54956.9, Subdivision (c)
1. **Case Name:** City of Fresno v. State of California, Auditor-Controller of the County of Fresno, and real party in interest Successor Agency to the Redevelopment Agency of the City of Fresno / Redevelopment Agency of the City of Fresno; and City of Cerritos v. State of California, et al., Sacramento Superior Court Case No. 34-2011-80000952
Action Taken: Held

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

1. Appearance by Ronald Hollinger to express concern and request the City Council take action regarding prohibiting stores from selling drug paraphernalia in the presence of children – **Not present when called**

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Mar.	8 –	10:00 A.M.	HEARING re: annexing Final Parcel Map No. 2010-09, Annexation No. 2, to City of Fresno Community Facilities District No. 9 (north east corner of N. Blythe and W. Ashlan Avenues)
Mar.	8 –	10:15 A.M.	HEARING re: Rezone Application No. R-11-016, filed by William Gavello
Mar.	8 –	10:30 A.M.#1	CONTINUED HEARING to consider the formation of a Special Tax District (Community Facilities District No. 16) for the maintenance of certain public improvements associated with the Universally Accessible Park (Property located in District 1) – Public Works Department
Mar.	8 -	10:30 A.M. #2	CONTINUED HEARING to consider designation of the Pullman Shed located at the (former) Southern Pacific Railroad Station 1713 Tulare Street to the Local Register of Historic Resources (Property located in District 3) – Development and Resource Management Department
Mar.	15 –	NO MEETING	RECESS
Mar.	22 –	8:30 A.M.	MEETING
Mar.	22 –	5:00 P.M.	HEARING re: Zack's Market, ABC Conditional Use Permit No. C-11-028 (Property located in District 3)
Mar	28 – (Weds)	2:00 P.M	Presentation of Employee Service Awards – (Reception immediately following – 2nd floor foyer)
Mar.	29 –	8:30 A.M.	MEETING
Apr.	5 -	8:30 A.M	MEETING
Apr.	12 -		NO MEETING – EASTER BREAK
Apr.	19 -	1:00 P.M	MEETING
Apr.	26 -	10:00 A.M	HEARING to adopt a resolution ordering the vacation of approximately 155 feet of "L" Street southeast of Ventura Street (Property located in District 3)
May	3 -	10:00 A.M.	HEARING re: City of Fresno Community Facilities District No. 16 and to authorize the levy of special taxes for the maintenance of certain public improvements associated with the universally Accessible Park (Property located in District 1)